

### **REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are directed to non-statutory subject matter under the provisions of 35 U.S.C. §101 or are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

#### **I. REJECTION OF CLAIMS 20, 22-35, AND 37-38 UNDER 35 U.S.C. § 101**

Claims 20, 22-35, and 37-38 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. In response, the Applicants have amended independent claim 23 in order to more clearly recite aspects of the invention. Claims 20 and 22 have been cancelled without prejudice.

In particular, claim 23 has been amended, substantially in accordance with the Examiner's suggestion, to recite a "using a processor, performing steps comprising ... presenting ...and publishing ...," replacing "wherein at least one of the ... presenting ... or publishing is performed using a processor" (emphasis added). The Applicants respectfully submit that this amendment clearly ties the recited method to a particular machine or apparatus (*i.e.*, the claimed processor). Moreover, the use of the particular machine or apparatus clearly does not represent an insignificant extra solution activity. Thus, the Applicants respectfully submit that claims independent claim 23 clearly satisfies the requirements of 35 U.S.C. §101 and is patentable thereunder.

Claims 24-35 and 37-38 depend, respectively, from independent claim 23 and recite at least all of the features recited in independent claim 23. As such, and for at least the same reasons stated above with respect to independent claim 23, the Applicants respectfully submit that claims 24-35 and 37-38 also clearly satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder. Accordingly the Applicants respectfully request that the rejection of claims 23-35, and 37-38 under 35 U.S.C. §101 be withdrawn.

**II. REJECTION OF CLAIMS 20, 22-35, 37-39, AND 41-56 UNDER 35 U.S.C. § 103****A. Claims 20, 22, 24-31, 37-39, 41, and 43-50**

The Examiner has rejected claims 20, 22, 24-31, 37-39, 41, and 43-50 under 35 U.S.C. §103(a) as being obvious over the Jennings et al. patent (United States Patent No. 6,606,615, issued August 12, 2003, hereinafter "Jennings") in view of the Kupersmit patent application (United States Patent Application Publication No. 2002/0016731, published February 7, 2002, hereinafter "Kupersmit") and the Kegan patent (United States Patent No. 5,819,248, issued October 6, 1998, hereinafter "Kegan") and further in view of the Huang patent (United States Patent No. 5,953,707, issued September 14, 1999, hereinafter "Huang") and/or the Calver patent application (United States Patent Application Publication No. 2001/0032092, published October 18, 2001, hereinafter "Calver"). Although the Applicants disagree with the rejection, the Applicants have nevertheless amended claims 23 and 41 into independent form in order to more clearly recite aspects of the present rejection. Claims 20, 22, and 39 have been cancelled without prejudice.

In particular, as discussed above, the Applicants have amended claims 23 and 41 into independent form, and claims 24-31, 37-38, and 43-50 have been amended as necessary to clarify their dependency from independent claims 23 and 41. The Applicants note that independent claim 23 was not rejected over Jennings in view of Kupersmit and Kegan and further in view of Huang and/or Calver. As such, the Applicants submit that independent claim 23 is not obvious over Jennings in view of Kupersmit and Kegan and further in view of Huang and/or Calver.

With respect to independent claim 41, the Applicants note that independent claim 41 recites substantially the same features as independent claim 23. However, unlike independent claim 23, independent claim 42 was rejected over Jennings in view of Kupersmit and Kegan and further in view of Huang and/or Calver. The Applicants respectfully traverse this rejection.

The Examiner states that claim 41 is rejected because the alleged combination (as taught by Jennings and Kegan) allegedly discloses "query responding parameters, i.e., a rational (reasoning or basics) for the response" (Final Office Action, Page 17).

The Applicants note, however, that this feature is not recited in claim 41. Rather, claim 41, similar to claim 23, recites the claimed invention wherein a plurality of queries contained in an argument template is formed in a hierarchical structure, such that a parent query that has a plurality of children queries is automatically responded to by responded to the children queries of the parent query. Specifically, independent claim 41 recites:

41. A computer readable storage medium containing executable program instructions for accessing or generating an argument supporting a conclusion for a given situation, the instructions causing a processor to perform steps comprising:

presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and including a plurality of queries;

displaying said plurality of queries to said user, wherein each of said plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses, said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user, and wherein the plurality of queries is formed in a hierarchical structure, wherein a parent query that has a plurality of children queries is automatically responded to by responded to the children queries of the parent query;

presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

receiving from said user one or more user responses to said plurality of queries, where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the plurality of queries;

receiving from said user supporting evidence in response to said plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

associating said supporting evidence received from said user with at least one of said plurality of queries for which a user response has been received;

evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

As illustrated above, independent claim 41 clearly recites the claimed invention wherein a plurality of queries contained in an argument template is formed in a hierarchical structure, such that a parent query that has a plurality of children queries is automatically responded to by responded to the children queries of the parent query. This feature is not addressed by the Examiner in the rejection over Jennings in view of Kupersmit and Kegan and further in view of Huang and/or Calver. Instead, the Examiner appears to be reading a limitation into independent claim 41 that is not there. Moreover, the Applicants submit that the claimed hierarchical structure for the plurality of queries is not disclosed or suggested by the alleged combination. As such, the Applicants submit that independent claim 41 is not obvious over Jennings in view of Kupersmit and Kegan and further in view of Huang and/or Calver.

Dependent claims 24-31, 37-38, and 43-50 depend, respectively, from independent claims 23 and 41 and recite at least all of the same features recited in independent claims 23 and 41. As such, and for at least the reasons set forth above, the Applicants submit that claims 24-31, 37-38, and 43-50 are also not obvious over Jennings in view of Kupersmit and Kegan and further in view of Huang and/or Calver. Therefore, the Applicants submit that dependent claims 24-31, 37-38, and 43-50 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection of claims 23-31, 37-38, 41, and 43-50 under 35 U.S.C. § 103 be withdrawn.

**B. Claims 23, 32-37, 42, and 51-55**

The Examiner has rejected claims 23, 32-37, 42, and 51-55 under 35 U.S.C. §103(a) as being obvious over Jennings in view of Kupersmit, Kegan, and Huang and further in view of Calver. Although the Applicants disagree with the rejection, the Applicants have nevertheless amended claims 23 and 41 into independent form, as

discussed above, in order to more clearly recite aspects of the present rejection. The Applicants note that claim 36 was cancelled without prejudice in a previous amendment.

In particular, the Applicants respectfully submit that Jennings in view of Kupersmit, Kegan, and Huang and further in view of Calver fails to disclose or suggest the claimed invention wherein a plurality of queries contained in an argument template is formed in a hierarchical structure, such that a parent query that has a plurality of children queries is automatically responded to by responded to the children queries of the parent query, as recited in the Applicants' independent claims 23 and 41.

The Applicants note that the Examiner appears to acknowledge on Page 18 of the Final Office Action that the combination of Jennings, Kupersmit, Kegan, and Huang fail to disclose or suggest this feature. In particular, the Examiner cites Calver to allegedly disclose this feature. The Applicants note, however, that an affidavit under 37 C.F.R. § 1.131 was submitted on March 18, 2009 to show that the Applicants' invention was conceived of prior to February 7, 2000 (*i.e.*, Calver's earliest priority date). The Examiner noted that this affidavit was reviewed and accepted, and that consequently the "use of the Calver's reference has been withdrawn."<sup>1</sup> As such, the Applicants respectfully submit that Calver is not a proper reference against the Applicants' invention.

Moreover, the Applicants note that Exhibit A to the affidavit filed on March 18, 2009 clearly supports conception prior to February 7, 2000 of at least the claimed hierarchical structure for the plurality of queries (*See, e.g.*, Pages 8-9: a unidimensional argument in which "the overall conclusion is supported by four intermediate conclusions" and an "intermediate conclusion is supported by three input questions/conclusions").

Finally, the Applicants submit that even if Calver were to be considered a proper prior art reference with respect to the Applicants' claims, the alleged combination (as taught by Calver) still fails to disclose or suggest structuring a plurality of queries in an argument template according to a hierarchical structure, such that a parent query that has a plurality of children queries is automatically responded to by responded to the

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<sup>1</sup> *See, e.g.*, Office Action dated June 18, 2009, Page 20, Section V (Response to Arguments), paragraph 10, point 2.

children queries of the parent query. At best, Calver discloses that questions directed to a user can become more direct as the user passes through a series of interactive steps (See, e.g., Calver, paragraph 0060). In other words, the questions presented to the user gradually become more specific. This is exactly the opposite of the claimed invention, in which a "parent" query (e.g., a more general question) is automatically answered by answering "child" queries (e.g., more specific questions). In other words, the claimed invention begins with more specific or targeted questions, the answers to which allow a broader or more general question to be answered automatically. Claim 41 has been recited above. Independent claim 23 similarly recites:

23. A method for accessing or generating an argument supporting a conclusion for a given situation, the method comprising:

using a processor, performing steps comprising:

presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and including a plurality of queries;

displaying said plurality of queries to said user, wherein each of said plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses, said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user, and wherein the plurality of queries is formed in a hierarchical structure, wherein a parent query that has a plurality of children queries is automatically responded to by responded to the children queries of the parent query;

presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

receiving from said user one or more user responses to said plurality of queries, where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the plurality of queries;

receiving from said user supporting evidence in response to said plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

associating said supporting evidence received from said user with at least one of said plurality of queries for which a user response has been received;

evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

Since Jennings in view of Kupersmit, Kegan, and Huang and further in view of Calver fails to disclose or suggest the claimed invention wherein a plurality of queries contained in an argument template is formed in a hierarchical structure, such that a parent query that has a plurality of children queries is automatically responded to by responded to the children queries of the parent query, the Applicants respectfully submit that Jennings in view of Kupersmit, Kegan, and Huang and further in view of Calver fails to render obvious the Applicants' independent claims 23 and 41.

Dependent claims 32-35, 37, 42, and 51-55 depend, respectively, from independent claims 23 and 41 and recite at least all of the features recited in independent claims 23 and 41. As such, and for at least the reasons set forth above, the Applicants submit that claims 32-35, 37, 42, and 51-55 are also not obvious over Jennings in view of Kupersmit, Kegan, and Huang and further in view of Calver. Therefore, the Applicants submit that dependent claims 32-35, 37, 42, and 51-55 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection of claims 23, 32-35, 37, 42, and 51-55 under 35 U.S.C. § 103 be withdrawn.

### **III. NEW CLAIMS**

The Applicants have added new claim 57. Claim 57 depends from independent claim 23 and recites at least all of the same features recited in independent claim 23. As such, claim 57 is believed to be allowable for at least the same reasons that claim 57

is believed to be allowable.

#### **IV. CONCLUSION**


Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §101 and 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 542-2280 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Date

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